

CBE Z22000469 Exemption from course unit

DECISION

in the matter of A., hereinafter also referred to as the Appellant,

and

the Board of Examiners for Engineering of the Faculty Science and Engineering, hereinafter also referred to as the Defence,

concerning

- the denial of the request for exemption from the course unit in Simulation of Logistics System that forms part of the Master's degree programme in Industrial Engineering & Management
- the denial of the request for replacement of the above-mentioned course unit by another course unit
- the denial of the request for an alternative mode of assessment for the above-mentioned course unit.

I. Description of the disputed decision

The decision taken by the Defence on 15 February 2022 to deny the Appellant's request for exemption from the course unit in Simulation of Logistics System. In addition, the request for replacement of this course unit by another course unit and the request for an alternative mode of assessment were also denied.

II. The hearing

The appeal was heard in open court on Thursday 21 April 2022, where the Appellant appeared and where the Defence appeared, represented by V. and W., Vice-Chair and administrative secretary of the Board of Examiners respectively.

III. Origin and course of the proceedings

The Appellant requested the Defence to exempt him from the course unit in Simulation of Logistics System. In addition, he asked for an alternative mode of assessment and for replacement of this course unit by another course unit. The Defence denied his request in an email dated 15 February 2022. On 17 February 2022, the Appellant submitted an appeal to the Board of Appeal for Examinations (CBE) via CLRS against the denial of his request. A settlement meeting was held on 25 February 2022. However, no settlement was reached and the Defence submitted a statement of defence. The appeal was subsequently heard by the Board of Appeal on 21 April 2022.

IV. The parties' positions

The **Appellant's** position, as set out in the appeal and explained at the hearing, can be summarized as follows.

The Appellant started his Master's degree programme in February 2019 and has, since then, failed the examination for the course unit in Simulation of Logistics System five times. He gained pass marks for the assignments and the project associated with this course unit, but

subsequently failed the final examination again and again. This has placed a heavy burden on the Appellant, both mentally and financially, also because his parents lost their jobs as a consequence of the coronavirus pandemic. The Appellant has received a job offer from AMSL on the condition that he complete his degree programme before 1 June 2022. He has already had to turn down other jobs because he has not yet graduated.

The Appellant feels that he is being sent from pillar to post in his attempts to pass the examination and hopes that the Board of Appeal can help him.

Finally, the Appellant requests that the disputed decision be reversed and he be granted either an exemption, an alternative mode of assessment, or permission to follow a replacement course unit.

The **Defence** defended itself as follows during the hearing and in its statement of defence.

The Appellant was offered additional help and support by the programme coordinator and the study advisor to pass the course unit in Simulations of Logistics System. For example, he was permitted to resubmit assignments. He did not use this opportunity. In addition, the Appellant only attended three of the seven lectures for this course unit in the past academic year.

The pass percentages for the latest examinations indicate that although the course unit may be rather difficult, it is certainly not impossible to pass. The pass percentages are consistently above 50%. In addition, it has not appeared to the Defence that the course unit was assessed in any other way than announced in Ocasys. This means that the mode of assessment was in accordance with Article 4.7.1.2 of the Teaching and Examination Regulations. An exception to this rule was only made in December 2021, when the examination had to be held online as a consequence of the coronavirus pandemic.

In addition, the Defence claimed that the study advisor was consulted about an alternative mode of assessment for the Appellant. However, the study advisor was of the opinion that an alternative mode of assessment would not solve the Appellant's problem of consistently failing the examination.

With regard to replacing the course unit in Simulations of Logistics System by another course unit, the Defence stated that Simulations of Logistics was a compulsory course unit in the Master's degree programme in Industrial Engineering & Management. Offering a replacement course unit would therefore not be possible.

The Defence understands that visa problems may be very unpleasant, but this in itself cannot be a reason to grant the Appellant's request.

The Appellant could take the resit on 13 April 2022. If it turns out that he has failed this resit, he can apply for an additional resit on the grounds of Article 5.4 of the Teaching and Examination Regulations.

Finally, the Defence can grant exemptions from course units on the basis of Article 5.3.1 of the Teaching and Examination Regulations. However, the Appellant has not demonstrated that he satisfies the learning outcomes of the course unit, so no exemption can be granted.

The Defence requests that the Board of Appeal declare the Appellant's appeal unfounded.

V. Review

The Board of Appeal points out that the content of the appeal must be tested against Article 7.61.2 of the Higher Education and Research Act (WHW). The question is whether the disputed decision was made in all fairness.

A request for exemption can be assessed bearing in mind Article 5.3.1 of the Teaching and Examination Regulations, which stipulates that exemption from an examination may be granted in consultation with the relevant examiner, if the student in question:

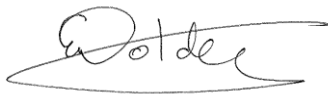
- a. has completed part of a university or university of applied sciences degree in the Netherlands or abroad that is equivalent in content and level
- b. can demonstrate by work experience that they have sufficient knowledge and skills with respect to the course unit in question.

The Appellant has not submitted any documents to the Defence to support his request for exemption. His request is not based on any actual circumstances as listed above under a. or b. This alone constitutes reason enough for the Defence to deny the Appellant's request. The Appellant indicated in his appeal, as well as previously to the Defence, that he was not happy with the professor involved in the course unit in Simulations of Logistics System. During the session, the Board of Appeal explained to the parties that it is not authorized to pass judgement on this in the context of the appeal against the decision made on 15 February 2022. The Board of Appeal will exclude these grounds for appeal from its ruling. However, the Board of Appeal does state that the displeasure expressed about the professor involved in the course unit cannot constitute a reason for the Defence to grant exemption from the course unit. The Teaching and Examination Regulations do not accommodate this. In addition, the Defence was justified in denying the Appellant's request to replace the course unit in Simulations of Logistics System by an alternative course unit because it concerned a compulsory course unit in the Master's degree programme in Industrial Engineering & Management. Finally, the Board of Appeal is of the opinion that the Defence was also justified in denying the request for an alternative mode of assessment. The Defence adopted the recommendation made by the study advisor to this end. The Board of Appeal understands that it is in the Appellant's interest to complete his degree programme as quickly as possible. However, given the above, the Board of Appeal sees no reason to reverse the disputed decision. The above has led to the conclusion that the disputed decision may stand.

VI. Decision

The Board of Appeal for Examinations declares the Appellant's appeal unfounded.

As decreed on 4 May 2022 by Dr E. van Wolde, chair, Dr M.G.J. Boot and J.W. de Rijke, members, in the presence of M.E.A. Donkersloot, Secretary.



Chair



Secretary

In accordance with the General Administrative Law Act and Article 7.66 of the Higher Education and Research Act (WHW – *Wet op het Hoger onderwijs en Wetenschappelijk onderzoek*), interested parties have the right to appeal against this decision to the national Higher Education Appeals Tribunal (CBHO – *College van Beroep voor het Hoger Onderwijs*), P.O Box 16137, 2500 BC The Hague within six weeks of the decision being sent to them.